

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ERIC VAUGHN BREECE,

Petitioner,

v.

STATE OF OREGON,

Respondent.

Case No.: 2:19-cv-00866-AR

ORDER

Adrienne Nelson, District Judge

United States Magistrate Judge Jeff Armistead issued a Findings and Recommendation ("F&R") in this case on March 26, 2025, in which he recommended denying petitioner's petition for writ of habeas corpus, denying a certificate of appealability, and issuing a judgment of dismissal. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

A district court judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a de novo determination of those portions of the report[.]" *Id.* No standard of review is prescribed for the portions of the report for which no objections are filed, and no review is required in the absence of objections. *Thomas v. Arn*, 474 U.S. 140, 152-54 (1985). A district court judge is not, however, precluded from *sua sponte* review of other portions of the report, under a *de novo* standard or otherwise. *Id.* at 154. The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that, when no objection is filed, the recommendations be reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Because no party in this case has made objections, and finding no clear error on the face of the record, the Court ADOPTS Judge Armistead's Findings and Recommendation, ECF [72]. Petitioner's

Petition for Writ of Habeas Corpus, ECF [1], is DENIED, and this case is DISMISSED with prejudice. The Court declines to issue a certificate of appealability.

IT IS SO ORDERED.

DATED this 23rd day of April, 2025.



Adrienne Nelson
United States District Judge